

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMPLICIT NETWORKS, INC.,

No. C 10-03365 SI

Plaintiff,

v.

F5 NETWORKS, INC.,

**ORDER RE PARTIES' STIPULATION
TO FILE UNDER SEAL PORTIONS OF
IMPLICIT'S BRIEF AND EXHIBITS IN
OPPOSITION TO DEFENDANTS'
MOTION ON INVALIDITY**

Defendant.

IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

Currently before the Court is the parties' stipulation to file under seal portions of Implicit's brief in opposition to the defendants' Motion for Summary Judgment on Invalidity and Exhibits A & G to the Hosie Declaration in support thereof. Docket No. 149 in Case No. 10-3365; Docket No. 174 in Case No. 10-4234.

The Declaration of Spencer Hosie in support of the stipulation and request to file under seal explains that two portions of the brief in opposition [pages 7-8 and page 16:10-16] should be filed under seal because they reference material provided under subpoena by third-parties Intel and Sprint and designated as confidential. The Court has reviewed the material at issue and finds that no compelling reason exists to support the requested sealing. The material at issue consists of Intel and Sprint's

1 reactions to products in development by Implicit and the potential for investment and/or partnership with
2 Implicit in the 1999 to 2001 time frame. Given the nature and age of the information at issue, the Court
3 cannot find that compelling reasons exist to seal the material, much less compelling reasons that
4 outweigh the public's right of access to judicial records.

5 No mention of Exhibits A or G is made in the Hosie Declaration. The Court, therefore, cannot
6 determine whether all or part of those exhibits should be filed under seal. Therefore, the party whose
7 confidential information is mentioned in Exhibits A or G shall file a supplemental declaration within
8 **five days** of the date of this Order explaining why compelling reasons exist to seal all or parts of
9 Exhibits A & G to the Hosie Declaration in support of Implicit's opposition to defendants' motion for
10 summary judgment on invalidity.

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12 **IT IS SO ORDERED.**

13 Dated: November 19, 2012



14 SUSAN ILLSTON
15 United States District Judge
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